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MEMORANDUM

TO: Superintendents, Business Managers
Steve Dale, VSBA and Jeff Francis, VSA
FROM: Vaughn Altemus
SUBJECT: Special Education and Transportation Waiver Applications
DATE: April 17, 2014

Title 16 V.S.A. § 261a requires supervisory unions to assume control of the delivery of special education and transportation services by July 1, 2014.

The Agency of Education has had positive feedback from a substantial number of supervisory unions that have implemented, or are implementing these provisions. We are aware that these transition efforts have added to your existing (full) load of activities and we thank you for your efforts.

As the implementation date for these transitions get closer, we know that there may be some supervisory unions that wish to apply for a waiver of one, or both of these required transitions. The statutory criteria for granting such a waiver are as follows:

“if a supervisory union board determines that (special education) services would be provided more efficiently and effectively in whole or in part at the district level” and if a supervisory union board determines “that (transportation) services would be applied more efficiently and effectively in another manner.”

Any SU that intends to submit a fiscal year 2015 waiver request based upon the statutory requirements should do so no later than May 16, 2014. We anticipate rendering a decision on any application no later than Friday, June 13, 2014.

Also, please remember that pursuant to Act 56 of 2013 at § 23, a supervisory union becomes the employer of special education employees on the date specified in a ratified contract. **A supervisory union engaged in bargaining that has not reached a ratified agreement with its bargaining units by July 1, 2014 is not required to request a special education waiver.** If agreement has not been reached by August 15, 2015, the supervisory union is required to provide a report to the Secretary of Education identifying reasons for not meeting the deadline and an estimated date by which it expects ratification.

Waiver applications should be signed by the superintendent, scanned and attached to an email and sent to vaughn.altemus@state.vt.us or mailed to Vaughn Altemus, Agency of Education, 219 North Main Street, Suite 402, Barre, VT 05641.

Thank you.